

THURSDAY, JANUARY 13, 1994

FIFTY-FIRST LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Rev. John Crawford, First Presbyterian Church, Nashville, Tennessee.

Representative Chiles led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 95

Representatives present were: Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole (Carter), Cole (Dyer), Collier, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

Representative Allen; business in district.

Representative Boyer; out-of-state meeting.

Representative Crain; business meeting in district.

PRESENT IN CHAMBER

Representative(s) Clark was/were recorded as being present in the Chamber.

THURSDAY, JANUARY 13, 1994 -- FIFTY-FIRST LEGISLATIVE DAY

**REPORT OF COMMITTEE ON CALENDAR AND RULES
January 13, 1994**

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar for Wednesday, January 19, 1994**: House Bill(s) No(s). 1152, 776 and 775; also, Senate Joint Resolution(s) No(s). 42.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

***House Joint Resolution No. 0363** -- Memorials, Government Officials -- Urges Tennessee Wildlife Resources Agency to restore hunting season for waterfowl to dates in effect in 1992. by *Crain.

Conservation and Environment Committee.

***House Joint Resolution No. 0364** -- Memorials, Congress -- Expresses opposition to adoption of metric system as standard measurement for United States; endorses retention of customary system of weights and measures; urges halt to federal initiative for metric conversion. by *Crain.

Commerce Committee.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 1730 -- Abortion -- Revives parental consent law to require written consent of both parents or legal guardian prior to performance of abortion on unemancipated minor; authorizes judicial bypass procedure for waiver of requirement. Amends TCA, Title 37, Ch. 10, Pt. 3; Title 39, Ch. 15, Pt. 2. by *Johnson.

House Bill No. 1731 -- Highway Signs -- "Julian D. Pierce and Charles E. Waynick Memorial Highway," S.R. 152 between Spring Creek community in Madison County to Medina community in Gibson County. by *Phelan, *McDaniel.

House Bill No. 1732 -- Highways, Roads and Bridges -- Revises criteria for borrow pit exemption from local zoning regulations to include reclamation plan "pending approval" where operator or borrow pit has filed proposed plan with county or municipal officer. Amends TCA 54-1-128. by *Cole Ronnie.

***House Bill No. 1733** -- Pensions and Retirement Benefits -- Removes restrictions on investment by TCRS in institutions, companies, and firms doing business in Republic of South Africa. Amends TCA 8-37-104. by *Jones R.

THURSDAY, JANUARY 13, 1994 -- FIFTY-FIRST LEGISLATIVE DAY

House Bill No. 1734 -- Taxes, Sales -- Clarifies that individual items, regardless of cost, are excluded from sales tax, if items are incorporated into integrated system which costs exceed \$250 and used in production of agricultural products. Amends TCA 67-6-102. by *Phillips.

House Bill No. 1735 -- Taxes, Sales -- Clarifies that incinerators used exclusively to incinerate agricultural products are farm equipment and machinery and qualify for sales tax exemption. Amends TCA, Title 67, Ch. 6. by *Phillips.

House Bill No. 1736 -- Highway Signs -- "R. W. Smartt Bridge," overpass at U.S. 55 and U.S. 55 Bypass intersection, Warren County. by *Rhinehart.

House Bill No. 1737 -- Bonding, Surety and Professional -- Includes certain surety bonds as eligible collateral equal to 100 percent of value of state deposit secured by it. Amends TCA, Title 9, Ch. 4. by *Rhinehart.

House Bill No. 1738 -- Highway Signs -- "Donelson Hospital," Old Hickory Boulevard and Thomas Frist, Sr. Boulevard. by *West.

House Bill No. 1739 -- Tort Liability -- Limits tort liability of certain non-profit organizations regarding fund raising activities. Amends TCA, Title 63, Ch. 50. by *West.

***House Bill No. 1740 -- Education --** Authorizes leasing of public school property if liability insurance maintained by lessee. Amends TCA, Title 49, Ch. 2. by *West.

***House Bill No. 1741 -- Liens --** Provides lien to garagemen on towed motor vehicles; provides for enforcement of lien. Amends TCA, Title 55, Ch. 16, Pt. 1; Title 66, Ch. 19, Pt. 1. by *West.

***House Bill No. 1742 -- Motor Vehicles --** Authorizes special license plates and cultural license plates for recreational vehicles. Amends TCA, Title 55, Ch. 4. by *West.

***House Bill No. 1743 -- DUI/DWI Offenses --** Authorizes motor vehicles used in commission of DUI to be impounded for certain length of time. Amends TCA, Title 55, Ch. 10, Pt. 4. by *West.

***House Bill No. 1744 -- Aircraft and Airports --** Requires metropolitan airport authorities to offer appraised value of homes being purchased pursuant to noise mitigation program. Amends TCA, Title 42, Ch. 4, Pt. 1. by *West.

***House Bill No. 1745 -- Corporations --** Removes requirement that special purpose corporations must submit annually statement of qualifications. Amends TCA 48-3-629. by *West.

***House Bill No. 1746 -- Liens --** Extends to towing firms, lien for taking into custody abandoned, immobile or unattended motor vehicles. Amends TCA, Title 55, Ch. 16, Pt. 1. by *West.

THURSDAY, JANUARY 13, 1994 -- FIFTY-FIRST LEGISLATIVE DAY

***House Bill No. 1747** -- Highway Signs -- "Elmer Disspayne, Sr. Memorial Bridge," spanning Stones River on U.S. 70/S.R. 24, Davidson County. by *West.

House Bill No. 1748 -- Employees, Employers -- Terminates membership of members of employee assistance board who miss, without good cause, more than one half of meetings. Amends TCA, Title 62, Ch. 42, Pt. 1. by *West.

***House Bill No. 1749** -- Juvenile Offenders -- Enacts "Juvenile Boot Camp Act of 1994". Amends TCA, Title 37. by *West.

***House Bill No. 1750** -- Telecommunications -- Exempts Davidson County from provisions limiting local governmental control over telephone and telegraph facilities. Amends TCA, Title 13, Ch. 24, Pt. 3. by *West.

House Bill No. 1751 -- Public Service Commission -- Permits public utility to transfer its authority for operation as radio common carrier with PSC approval notwithstanding other requirements for certificate of convenience and necessity. Amends TCA, Title 65, Ch. 4, Pt. 1. by *Rhinehart, *Davidson, *Phillips, *Armstrong, *Wood, *Crain, *Napier, *Robinson, *Bell, *Huskey, *Halteman Harwell, *Jones R, *Meyer, *Haley, *Pinion, *Hillis, *Turner L, *Clark, *Love.

***House Bill No. 1752** -- Insurance, Health, Accident -- Mandates insurance coverage for prescription drugs in certain treatment of cancer. Amends TCA, Title 56, Ch. 7, Pt. 10. by *Williams Mike, *Callicott.

House Bill No. 1753 -- District Attorneys -- Creates assistant district attorney general and criminal investigator positions in 21st judicial district. Amends TCA 16-2-506. by *Williams Mike, *Callicott.

House Bill No. 1754 -- Judges and Chancellors -- Authorizes each trial court judge to employ law clerk under conditions established by administrative director of courts. Amends TCA, Title 17, Ch. 1. by *Williams Mike, *Callicott.

***House Bill No. 1755** -- Criminal Offenses -- Increases penalty for evading arrest from Class A misdemeanor to Class E felony. Amends TCA, Title 39, Ch. 16, Pt. 6. by *Givens.

House Bill No. 1756 -- Warren County -- Revises number, election and terms of members of board of education. Amends Chapter 62, Private Acts of 1969, as amended. by *Hillis.

***House Bill No. 1757** -- Boards and Commissions -- Permits certain groups to nominate list of three persons for gubernatorial appointment to air pollution and water quality control boards. Amends TCA 68-201-104, 69-3-104. by *Hillis.

THURSDAY, JANUARY 13, 1994 -- FIFTY-FIRST LEGISLATIVE DAY

House Bill No. 1758 -- Highway Signs -- "W.V. 'Vance' Whitson Memorial Bridge," Barren Fork River, Depot Bottom, Warren County. by *Hillis, *Rhinehart.

***House Bill No. 1759 -- Parks, Natural Areas Preservation --** Prohibits erection of any structure visible from Class I or Class II natural area on parcel of land contiguous to such natural areas unless permission to erect such structure is first obtained from the commissioner of environment and conservation. Amends TCA, Title 11, Ch. 14. by *Chiles.

House Bill No. 1760 -- District Attorneys -- Entitles district attorney of 15th judicial district to additional secretarial position. Amends TCA 16-2-506. by *Buck, *Bell, *Mires, *Winningham.

***House Bill No. 1761 -- Real Property --** Authorizes state to transfer ownership of real property to Luton Mental Health Center. Amends TCA 8-50-802. by *West, *Haltzman Harwell.

***House Bill No. 1762 -- Taxes, Excise --** Enacts "Tennessee Controlled Substance and Counterfeit Controlled Substance Excise Act of 1994". Amends TCA, Title 67, Ch. 4. by *Givens.

***House Bill No. 1763 -- Chiropractors --** Exempts chiropractors over 65 years of age from annual continuing education requirements. Amends TCA 63-4-112. by *Pinion, *Crain.

***House Bill No. 1764 -- University of Tennessee --** Extends term on UT board of trustees to May 31, 2020. Amends TCA 49-9-202. by *Pinion, *Crain.

House Bill No. 1765 -- Chiropractors -- Deletes requirement that continuing education programs for chiropractors must be sponsored by Tennessee Chiropractic Association; exempts chiropractors 65 or older from continuing education requirements. Amends TCA, Title 63, Ch. 4. by *Pinion, *Crain.

House Bill No. 1766 -- Tennessee Higher Education Commission -- Adds two student members to Tennessee higher education commission. Amends TCA 49-7-204. by *Williams K.

***House Bill No. 1767 -- Motor Vehicles, Titling and Registration --** Authorizes special license plate for Army National Guard retirees. Amends TCA, Title 55, Ch. 4, Pt. 2. by *Rigsby, *Moore, *Rinks, *Phelan, *Lewis.

***House Bill No. 1768 -- State Employees --** Authorizes annual and sick leave to be transferred to another state employee who has exhausted such leave. Amends TCA 8-50-802. by *Rigsby, *Moore, *Rinks, *Phelan, *Lewis, *Givens, *Williams Micheal, *Walley.

***House Bill No. 1769 -- Highway Signs --** "Ned McWherter Bridge," S.R. 50 spanning U.S. 41A/64 between Winchester and Cowan in Franklin County. by *Rigsby.

THURSDAY, JANUARY 13, 1994 -- FIFTY-FIRST LEGISLATIVE DAY

House Bill No. 1770 -- Utilities, Utility Districts -- Increases from three to five number of commissioners for utility districts located primarily in Franklin County; provides for election of commissioners for such utility districts. Amends TCA, Title 7. by *Rigsby.

House Bill No. 1771 -- Consumer Protection -- Requires credit services businesses to investigate consumer complaints in 30 days or less; requires businesses to provide one report per year at no charge upon written request of consumer. Amends TCA, Title 47, Ch. 18, Pt. 10. by *Rigsby.

House Bill No. 1772 -- Utilities, Utility Districts -- Requires all persons who serve on board of commissioners of utility district to be subscribers of such utility district. Amends TCA, Title 7, Ch. 82, Pt. 3. by *Rigsby.

***House Bill No. 1773 -- Motor Vehicles --** Allows for 10 percent margin of error in weight restrictions on recovered materials trucks; defines "recovered materials truck". Amends TCA 55-7-203. by *Rinks.

***House Bill No. 1774 -- County Officers --** Abolishes office of constable in Morgan County. Amends TCA 8-10-101. by *Windle.

***House Bill No. 1775 -- Consumer Protection --** Imposes licensure requirements on check cashing businesses; imposes penalties. Amends TCA, Title 47, Ch. 18. by *Windle.

***House Bill No. 1776 -- Firearms and Ammunition --** Establishes mandatory sentence enhancement for felony with firearm. Amends TCA 40-35-114. by *Callicott.

***House Bill No. 1777 -- Pensions and Retirement Benefits --** Reduces time for eligibility for retirement under TCRS Group 1 from 30 to 27 years of service. Amends TCA, Title 8, Ch. 36, Pt. 2. by *Crain.

***House Bill No. 1778 -- Pensions and Retirement Benefits --** Reduces time for eligibility for retirement under TCRS Group 1 from 30 to 25 years of service. Amends TCA, Title 8, Ch. 36, Pt. 2. by *Crain.

House Bill No. 1779 -- Game and Fish Laws -- Directs Tennessee Wildlife Resources Agency to restore hunting season for waterfowl to dates in effect in 1992. by *Crain.

***House Bill No. 1780 -- Pharmacy --** Requires pharmacy inspectors to be licensed pharmacists. Amends TCA, Title 63, Ch. 10. by *Crain.

House Bill No. 1781 -- TennCare -- Requires list of all pharmacists providing services under TennCare be prepared at least twice a year by commissioner of human services in consultation with commissioner of finance and administration and made available to

THURSDAY, JANUARY 13, 1994 -- FIFTY-FIRST LEGISLATIVE DAY

public. Amends TCA, Title 71. by *Crain.

***House Bill No. 1782 -- Contractors --** Exempts from sales tax tangible personal property used by contractors on tax-exempt facilities. Amends TCA 67-6-209. by *Crain.

House Bill No. 1783 -- TennCare -- Requires list of all physicians and pharmacists providing services under TennCare to be prepared at least twice a year by commissioner of human services, in consultation with commissioner of finance and administration, and made available to public. Amends TCA, Title 71. by *Crain.

House Bill No. 1784 -- Garnishments and Executions -- Requires court clerks to deliver funds from checks made payable to court clerks to judgment creditors within three business days after checks are honored. Amends TCA, Title 26, Ch. 2, Pt. 2. by *Crain, *Buck.

***House Bill No. 1785 -- TennCare --** Requires list of all physicians who provide services under TennCare to be prepared at least twice a year by commissioner of human services in consultation with commissioner of finance and administration and be made available to public. Amends TCA, Title 71. by *Crain.

House Bill No. 1786 -- Board of Regents -- Authorizes board of regents to approve increases in student activity fees. Amends TCA 49-8-110. by *Kent.

House Bill No. 1787 -- Tort Liability -- Broadens immunity from civil liability for volunteers in nonprofit organizations. Amends TCA 48-58-601. by *Garrett.

House Bill No. 1788 -- Taxes, Real Property -- Extends eligibility for property tax relief to veterans who have 100 percent permanent total disability from service connected, non-combat cause. Amends TCA 67-5-704. by *Hillis, *Bell, *Cole Ralph, *Turner B, *Lewis, *Bittle, *Winningham, *Peroulas Draper, *Cross, *Ridgeway, *Williams Micheal.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 1710 -- County Officers -- Commerce Committee.

***House Bill No. 1711 -- TennCare --** Commerce Committee.

***House Bill No. 1712 -- Taxes, Gasoline, Petroleum Products --** Transportation Committee.

House Bill No. 1713 -- Highway Signs -- Transportation Committee.

House Bill No. 1714 -- Highway Signs -- Transportation Committee.

THURSDAY, JANUARY 13, 1994 -- FIFTY-FIRST LEGISLATIVE DAY

House Bill No. 1715 -- Jefferson County -- Held on Clerk's desk pending approval by local delegation.

***House Bill No. 1716** -- Municipal Government -- State and Local Government Committee.

House Bill No. 1717 -- DUI/DWI Offenses -- Judiciary Committee.

***House Bill No. 1718** -- Motor Vehicles -- Judiciary Committee.

***House Bill No. 1719** -- Telecommunications -- Commerce Committee.

***House Bill No. 1720** -- Medical Occupations -- Commerce Committee.

House Bill No. 1721 -- Williamson County -- Held on Clerk's desk pending approval by local delegation.

House Bill No. 1722 -- Industrial Hygenists -- Consumer and Employee Affairs Committee.

***House Bill No. 1723** -- Taxes, Sales -- Finance, Ways and Means Committee.

***House Bill No. 1724** -- Criminal Procedure -- Judiciary Committee.

House Bill No. 1725 -- Decatur County -- Held on Clerk's desk pending approval by local delegation.

House Bill No. 1726 -- Landlord and Tenant -- Judiciary Committee.

House Bill No. 1727 -- Economic and Community Development -- Commerce Committee.

House Bill No. 1728 -- Highways, Roads and Bridges -- Transportation Committee.

***House Bill No. 1729** -- Motor Vehicles -- Commerce Committee.

ANNOUNCEMENTS

REPORTS FILED

The Chief Clerk announced that pursuant to the 1990 Dropout Prevention Act, the annual report of the Tennessee Department of Education on Teen Learning Centers for Fiscal Year 92-93 is on file in the Clerk's office.

SPONSORS ADDED

Without objection, the rules were suspended to allow the

THURSDAY, JANUARY 13, 1994 -- FIFTY-FIRST LEGISLATIVE DAY

following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 691: Rep(s). Arriola as prime sponsor(s).

House Bill No. 764: Rep(s). Arriola as prime sponsor(s).

House Bill No. 1279: Rep(s). Odom as sponsor(s).

**MESSAGE FROM THE SENATE
January 13, 1994**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 358 and 359; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE
January 13, 1994**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 265; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**SIGNED
January 13, 1994**

The Speaker signed the following: Senate Joint Resolution(s) No(s). 265.

**REPORT OF CHIEF ENGROSSING CLERK
January 13, 1994**

The following bill(s) have been transmitted to the Governor for his action: House Joint Resolution(s) No(s). 358 and 359.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
January 13, 1994**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 878 and 1676; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 0878 -- Nurses, Nursing -- Removes site restriction criteria from certified nurse practitioners who have authority to write and sign prescriptions and/or issue drugs. Amends**

THURSDAY, JANUARY 13, 1994 -- FIFTY-FIRST LEGISLATIVE DAY

TCA, Titles 53, 63, 68. by *Cooper, *Hamilton, Crowe.

Senate Bill No. 1676 -- Statutes -- Codifies Public Acts of 1993. by *Wilder, *Person.

CONSENT CALENDAR
January 13, 1994

The following local bill(s) has/have been placed on the Consent Calendar for **Wednesday, January 19, 1994**: House Bill(s) No(s). 1702.

ROLL CALL

The roll call was taken with the following results:

Present 96

Representatives present were: Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

RECESS MOTION

Pursuant to Senate Joint Resolution No. 265, Representative Purcell moved that the House stand in recess until 2:00 p.m., Wednesday, January 19, 1994.